**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION NO. 4528 OF 1991**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE R.S.GARG**

**HONOURABLE MR.JUSTICE M.R. SHAH**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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**PRAFULBHAI CHANGANLAL PANCHAL - Petitioner(s)**
**Versus**
**KALOL NAGAR PANCHAYAT & ANR. - Respondent(s)**

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**Appearance :**
MR. KEYUR GANDHI for Petitioner(s).
NONE for Respondent(s).
MR. DIPEN DESAI, AGP for the State though the State has no been joined as party.

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**CORAM : HONOURABLE MR.JUSTICE R.S.GARG**
**and**
**HONOURABLE MR.JUSTICE M.R. SHAH**

**Date : 22/06/2006**

**ORAL JUDGMENT**
**(Per : HONOURABLE MR.JUSTICE R.S.GARG)**

By this petition under Article-226 of the

Constitution of India, the petitioner seeks to challenge provisions of Section-180 of the Gujarat Panchayats Act, 1961. It is to be seen that the particular provision, which related to octroi, has already been repealed by the Act of 1993. It is to be seen that the Act of 1961 itself has been repealed. If that be so, the Court is not required to enter into an academic discussion relating to constitutional validity of the provision, which was part of the repealed Act. The petition is dismissed. Rule is discharged. No costs.

[***R.S.Garg, J.***]

[***M. R. Shah, J.***]

*kamlesh**